

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. BU920020125US1
Applicant(s): Gambino et al.			
Application No. 10/604,136	Filing Date 6/27/2003	Examiner Ahmed, Shamim	Group Art Unit 1765
Invention: DETECTION OF HARDMASK REMOVAL USING SELECTIVE ETCH			RECEIVED CENTRAL FAX CENTER APR 11 2005
<p>I hereby certify that this <u>Restriction Election (2 pages)</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>)</p> <p>on <u>4/11/2005</u> (Date)</p> <p><u>Kim Dwileski</u> (Typed or Printed Name of Person Signing Certificate)</p> <p><u>Kim Dwileski</u> (Signature)</p> <p>Note: Each paper must have its own certificate of mailing.</p>			

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicant: Gambino *et al.*

Group Art Unit: 1765

Filed: 6/27/2003

Examiner: Ahmed, Shamim

Serial No.: 10/604,136

Title: DETECTION OF HARDMASK REMOVAL USING A SELECTIVE ETCH

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESTRICTION ELECTION

In response to the Restriction Requirement dated March 17, 2005, Applicants hereby provisionally elect Group I, claims 1-12 and 17-20, drawn to a process, Class 216, subclass 13. This election is made with traverse, and Applicants hereby reserve the right to file a divisional application in connection with unelected claims 13-16, drawn to a product.

With regard to the Restriction Requirement, Applicants respectfully submit that the subject matter of all claims 1-20 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, Applicants respectfully submit that the search and the examination of the entire application could be made without serious burden. See MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits." Applicants respectfully submit that this policy

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should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Should the Examiner require or request anything further from Applicants prior to examination, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below. Otherwise, Applicants request early and favorable examination on the merits. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0456.

Date: 04/11/2005

Jack P. Friedman
Jack P. Friedman
Registration No. 44,688

Schmeiser, Olsen & Watts
3 Lear Jet Lane, Suite 201
Latham, New York 12110
(518) 220-1850

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